

THE HONORABLE BRIAN D. LYNCH
CHAPTER 13
HEARING DATE: August 14, 2019
HEARING TIME: 1:30 P.M.
LOCATION: Tacoma, Washington
RESPONSE DATE: August 7, 2019

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

Case No.: 19-41752-BDL

WENDY GAIL MITKOWSKI,

OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE

Debtor.

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to confirmation as follows:

BACKGROUND

Debtor filed this Chapter 13 case on May 30, 2019. The applicable commitment period is thirty six months. The case is currently in the third month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is August 8, 2019. Scheduled unsecured claims total \$131,320.00, and scheduled priority claims total \$1,300.00. The Trustee estimates that under the proposed plan general unsecured creditors will receive approximately \$0.00.

OBJECTION TO CONFIRMATION

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

OBJECTION

- ☒ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):

Debtor is claiming both a \$350.00 per month transportation expense as well as a \$200.00 per month “older auto expense” on Schedule J. Debtor’s oldest vehicle is a 2017 Hyundai Elantra with less than 100,000.00 miles on it. Trustee would like to see documentation that the vehicle is actually costing \$2,400.00 more per year to maintain or see the additional expense removed with the plan payment being increased accordingly.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 31st day of July, 2019.

/s/ Mathew S. LaCroix

Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee